

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KUANG-BAO P. OU-YOUNG,
Plaintiff,
v.
BRUCE IVES, et al.,
Defendants.

Case No. [5:15-mc-80172-EJD](#)

**ORDER DENYING LEAVE TO FILE
COMPLAINT**

Plaintiff Kuang-Bao P. Ou-Young (“Plaintiff”) has been deemed a vexatious litigant and is subject to a pre-filing order which requires him to “obtain leave of court before filing any further suits alleging any violations of the federal criminal statutes, pursuant to 18 U.S.C. § 1512(b), 18 U.S.C. § 1512(c), and 18 U.S.C. § 371, and the FTCA, codified at 28 U.S.C. § 2671 et seq.” See Docket Item No. 40, Case No. 3:13-cv-04442-EMC. Presently before the court is a complaint submitted by Plaintiff. This court reviews the pleading to “determine whether Plaintiff has stated a potentially cognizable claim in a short, intelligible and plain statement.” Id.


Plaintiff seeks to bring claims against two individuals, Bruce Ives and F. Joseph Warin, for “fabrication” in violation of 18 U.S.C. § 1512(c) and “intimidation” in violation of 18 U.S.C. § 1512(b). But as has been explained previously in response to identical pleadings submitted by Plaintiff, these particular claims “fall squarely within the above-referenced order requiring pre-filing review” and, in any event, are criminal statutes that do not provide for a private cause of

1 action. See Docket Item No. 2, Case No. 5:15-mc-80149-BLF.

2 The court therefore finds that the instant claims are barred by the pre-filing order.
3 Accordingly, leave to file the Complaint is DENIED.

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5 **IT IS SO ORDERED.**

6 Dated: June 23, 2015

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8 EDWARD J. DAVILA
9 United States District Judge
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